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U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE
Application Number 10/825.715

REVOCATION OF POWER OF ATTORNEY WITH First Named inventor Gattis, Steven NEW POWER OF ATTORNEY Art Unit 3764 AND Examiner Name Lewin, Alana **CHANGE OF CORRESPONDENCE ADDRESS** Attorney Docket Number 4029.001

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Firm o	or tual Name	Fein IP Lew, P.C.	Katy	C. Fein					
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This obtains of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is expected to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTC. Throwill vary depending upon the Individual case. Any complete or the resource of the you require to complete this form end/of autoperature for reducing this burden, about the Chef information Officer, U.S. Papers and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450, OO NOT SEND FREE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commitse long for Passents. P.O. Box 1460, Alexandria, VA 22313-1450.

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Application Number

10/625.715

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JUN 0 5 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent & Trademark Office at 571-273-8300 on 05 Jung 2006.

Katy C. Ean, Attorney Registration No. 42,520

In the Application of:

Gattis, et al.

Ser.No.:

10/825,715

Filed:

16 April 2004

For:

TRAINING PAD APPARATUS

Art Unit:

3764

Examiner:

Lewin, Allana

To:

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

REQUEST TO RESCIND NOTICE OF ABANDONMENT

Dear Sir:

In Response to the Notice of Abandonment mailed 05 April 2006, the following information is provided to support Applicant's request to rescind the Notice of Abandonment. Specifically, the Office Action mailed on 29 September 2006 was not received in this office, and, therefore, it was not possible for Applicants to file a timely response to the Office letter. The process for receiving, entering and tracking receipt of an Office Action is as follows:

The Office is currently, and at the time of the asserted mailing of the Office Action, operated by a sole practitioner. Katy Fain. That practitioner opens all mailings with particular attention to mailings from the Patent Office. The Office Action is opened, matched to the correct file jacket and placed in line for docketing, review, and client notification. The practitioner dockets each received item at receipt (on a daily basis) on both a computer generated docket and a manual listing on the file jacket. The Office Action is briefly reviewed and client notification is prepared as a letter and mailed out to the client at the time of docketing. A copy of the action is sent with the client notification. A copy of the notification letter and the original office action are placed in the file jacket. The file jacket is notated to indicate when the client has been notified of the office action and when reminders have been sent. Follow-up dates are docketed on the computer database with regard to receipt of client authorization to proceed with responses. The file is then shelved until further action is taken.

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FAIN IP LAW, P.C.

Ø 006/024

Patent App. Ser., No. 10/825,715 Amendment, Dated: 05 June 2008

In Reply to Office Action Malled: 29 September 2005

As shown in Attachments A and B, there is no record of receipt of an Office Action for the above-

identified application. Attachment A is the file jacket of the application. Attachment B is the printout for

docket dates for the application. Attachment C is the printout for docket dates for patent office action

response due 29 March 2006. Since this is a small office, we have additionally searched the file jackets of

all active files at the time of the asserted mailing of the office action and have not found the action nor any

record of its receipt.

The first communication we received after filing the office action was a telephone call made to

Andrea Mays, the filing attorney after the date of abandonment. Ms. Mays left the firm in July of 2005 to

move to California. She was contacted at the offices of her present employer, Qualcomm, Inc. by

Examiner Allana Lewin. Ms. Mays notified our firm of the abandonment and we contacted the Examiner

who could not discuss the matter with us without a change in Power of Attorney. We attach the Power of

Attorney with this filing.

Also, please find enclosed a declaration Attachment D signed by Katy Fain who has sole

responsibility for receiving and tracking Office Actions.

Based on the information provided herein and the Office action that was not received and is

therefore missing from the file jacket, it is respectfully requested that the Notice of Abandonment be

withdrawn and the Office Action of September 29, 2005 be reissued.

Respectfully Submitted,

aty C. Fain, Reg. No. 42,520 Attorney for Applicants

FAIN IP LAW, P.C. 4801 Lang Ave., NE

Suite 110

Albuquerque, NM 87109

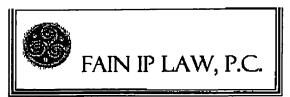
Page 2 of 3

Patent App. Ser.. No. 10/825,715 Amendment. Datad: 05 June 2008 In Reply to Office Action Mailed: 29 September 2005

Telephone: (505) 468-0518 FacsImile: (505) 796-9601 E-mail: fain_iplaw@msn.com

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ATTACHMENT A



U.S. NON-PROVISIONAL PATENT

FAIN IP LAW, P.C. 4801 Lang Ave., NE, Ste. 110 Albuquerque, NM 87109

> Telephone: 505.468.0518 Facsimile: 505.786.9601

CLIENT/MATTER NO.; <u>4029.001</u>

TITLE: TRAINING PAD APPARATUS			PAT. NO.: _	SER. NO.: 10/825,715 FILING DATE: 16 April 2004 PAT. NO.: ISSUE DATE: EXAMINER:				
INVENTORS:	STEVEN HAMI		DAVID MAT	THEW OVERSTE				
					DATE			
PRIORITI BA	515: <u>N/A</u>			PRIORITI	DATE:			
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ATTACHMENT B

4009.001 SWMAD LLC Inventor/Gattis Examiner/ FD: 04/16/04 DEC: 04/16/04 DR: 04/16/04 IDS: 04/16/04 POA: 04/16/04 PrA: NoPu: OA: rec clnot Pub: NOA: Issue: Fee: MD:

ATTACHMENT C

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PAGE 13/24 * RCVD AT 6/5/2006 7:50:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/43 * DNIS:2738300 * CSID:505 565 0088 * DURATION (mm-ss):04-42

ATTACHMENT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Gattis, et al.

Ser.No.:

10/825,715

Filed:

16 April 2004

For

TRAINING PAD APPARATUS

Art Unit:

3764

Examiner:

Lewin, Allana

To:

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.68

Sir:

I, Katy C. Fain, now attorney of record of the above-mentioned patent application, and a sole practitioner and president of Fain IP Law, P.C., formerly Mays & Fain, LLP until the departure of Andrea Mays in July 2005, which offices were until 31 March 2006, located at the same address as the correspondence address indicated in the above-mentioned filing, do hereby declare that on 2 April 2006, I searched the computer docket, the file jacket recordation sheet, the above-referenced file, and all files active for the referenced period of time of the asserted mailing of the first office action in this matter (September 29, 2005). There is no office action in the files. There is no record of receipt of the office action. I am solely responsible for receiving mail to the firm and recording it and do not recall receipt of the office action. No mail was being forwarded to Andrea Mays by the U.S. Postal Service or this office at the time the office action was allegedly mailed to our offices.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and to like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application, the patent which issues thereon, or any patent to which this verified statement is directed.

Patent App. Ser.. No. 10/825,715 Amendment. Dated: 05 June 2008 In Reply to Office Action Malled: 29 September 2005

Respectfully Submitted,

Katy 6/Pain, Reg. No. 42,520 Attorney for Applicants

FAIN IP LAW, P.C.

4801 Lang Ave., NE

Suite 110

Albuquerque, NM 87109

Telephone: (505) 468-0518 Facsimile: (505) 796-9601 E-mail: fain_iplaw@msn.com